

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CHARLES BAKER,)
Petitioner,)
v.) Nos. 1:08-CR-80-HSM-SKL-1
United States of America,) 1:16-CV-288-HSM
Respondent.)

MEMORANDUM OPINION

Federal prisoner Charles Baker (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on July 22, 2009 [Doc. 22; E.D. Tenn. Case No. 1:09-cv-197-HSM].¹ The Court denied that motion on April 12, 2012 [Docs. 47, 48]. On June 29, 2016, Petitioner filed a second pro se motion attacking the same criminal conviction—this time relying on *Johnson v. United States*, 135 S. Ct. 2551 (2015) [Doc. 56]. Review leads the Court to conclude counsel intended the filing to reach the Sixth Circuit as a successive petition.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 56] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 1:08-cr-80-HSM-SKL-1.

ORDER ACCORDINGLY.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE